

CITY OF SANTEE
CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE "N"

Currently, General Plan amendments and Specific Plans are approved by the City Council, subject to voter review through the referenda process.

If approved, Measure "N" would amend the Santee General Plan to provide that no General Plan amendment, Planned Development Area, or new Specific Planning Area shall be adopted which would (1) increase the residential density permitted by law; (2) change, alter, or increase the General Plan Residential Land Use categories if the change intensifies use; or (3) change any residential designation to commercial or industrial designation on any property, or vice versa, if the change intensifies use, unless and until such action is approved by City voters. Measure "N" does not define the phrase "intensify use."

Measure "N" would also amend the Santee General Plan to provide that no change to the slope criteria, minimum parcel sizes, and lot averaging provisions of the General Plan that would permit increased density or intensity of use shall be adopted unless and until the change is approved by City voters.

Any election required by Measure "N" would be set either for the next available general municipal election (at no cost to the proponent of the land use change), or for a special election (the cost of which would be borne by the proponent).

Measure "N" provides that the voter approval requirement would not apply where the General Plan amendment is necessary to comply with state or federal housing law, including, but not limited to, affordable housing requirements. This exception applies only if the City Council finds, based on substantial evidence: (1) a specific provision of state or federal law requires the City to accommodate the housing permitted by the amendment; (2) the amendment permits no greater density than necessary to accommodate the required housing; and (3) an alternative site not subject to Measure "N" is not available.

If approved, Measure "N" may require future judicial interpretation. The Measure provides that it would prevail over any provisions of City law inconsistent therewith, including any conflicting revisions to the General Plan adopted between April 6, 2018 and the date the Measure is approved. The legal effect of this provision is uncertain. In addition, judicial interpretation may be required to assess the Measure under Government Code section 66300(b)(1)(B), which prohibits the City, including its voters exercising local initiative power, from enacting a development policy, standard, or condition that imposes a moratorium or similar restriction on housing development, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the subject area.

Measure "N" was placed on the ballot by a petition signed by the requisite number of voters.

Measure "N", if adopted, could be amended or repealed only by a majority of the voters at a subsequent City election.

A copy of the entire text of the proposed ordinance is printed in this voter information pamphlet.



Shawn Hagerty
City Attorney